

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF FEBRUARY 5, 2004

Prepared on January 26, 2004

ITEM NUMBER: 3

SUBJECT: Conditional Waivers for Discharges from Irrigated Agriculture

SUMMARY

On January 9, 2004, the Regional Board conducted a workshop in Salinas to present a proposed conditional waiver program and receive public comment. More than one hundred people attended the workshop at which forty-four individuals gave public testimony and fifty-three comment letters were received. During discussion that followed staff presentations and public comment, Board members directed staff to provide additional information on a number of topics, including: 1) identification of what is mandatory and what is discretionary, 2) clarification on monitoring approaches and identification of existing groundwater monitoring efforts, 3) information on funding sources for farm water quality short courses, 4) information on outreach to Spanish-speaking growers, 5) discussion of the approach to addressing recalcitrant growers and 6) anticipated costs to small, medium and large growers.

DISCUSSION

This supplemental sheet includes a revised draft proposed Resolution and Conditional Waivers, additional information requested by Board members during the January 9, 2004, agricultural waiver workshop, and response to public comments. **Attachment 1** contains a revised draft Resolution and Conditional Waivers. Revisions have been made to ensure compliance with Section 13269.

1) Identification of what is mandatory and what is discretionary in the program.

Attachment 2 contains a table that describes waiver requirements under Section 13269 of

the California Water Code, as amended by Senate Bill 923.

2) Clarification on monitoring approaches and identification of existing groundwater monitoring efforts.

Attachment 3 contains a table showing proposed water quality monitoring constituents, along with applicable standards and beneficial uses and a table of existing groundwater monitoring activities throughout the region. The Agricultural Advisory Panel held meetings on January 12 and January 30 to further discuss monitoring and is still in the process of developing recommendations. Panel recommendations will be provided as soon as they are completed.

3) Information on funding for Farm Water Quality short courses

Attachment 4 describes potential funding sources for Farm Water Quality Planning short courses.

4) Information on outreach to Spanish-speaking growers

Although staff is working with groups that provide outreach to non-English speaking growers, the Board was concerned that more needed to be done to ensure participation by such groups, especially Spanish-speaking growers. Staff contacted several outreach specialists and questioned them about the lack of participation by Spanish speaking growers and what steps might be taken to ensure additional participation.

Staff was told that in many cases, these farmers feel disenfranchised, and have never felt like they are part of the system here in

the U.S. Some may be citizens, some are not. Some are probably here illegally, and are unlikely to participate in a public process. Since outreach for this issue and these meetings has been predominantly in English, many are not well aware of the issues. Spanish language outreach needs to be focused on key media such as Spanish language radio stations and publications, to which that community subscribes or listens. Also, the meeting fliers don't "grab" uninformed individuals as to the importance and direct relevance of the agricultural waiver development.

Much of the successful English outreach has been through the Farm Bureau. The majority of Spanish speaking growers (at least in northern Monterey County and southern Santa Cruz County) are networked through grower-shipper organizations and/or the Strawberry Commission rather than the Farm Bureau. Targeted outreach to engage some of these interests (as has been made by various folks to some extent) is a good starting place. Staff will work with these entities in an effort to bring the message to Spanish speaking growers.

Spanish speaking farmers (farm owners and/or managers) are typically a group that operates with less ground (5 - 40 acres, with some bigger operations up to a couple hundred acres) and less capital than other farmers. Often these are family operations, and taking time out with such financial and resource limitations can be much more of a challenge for them.

Additionally, from the holidays through January, many of the Spanish speaking growers are out of the country and not available to attend meetings, such as the January 9 workshop, which might help to explain low attendance at that meeting.

Based on information from outreach personnel, staff estimates there are about 200 growers in the northern Monterey County/Southern Santa Cruz County area that do not speak English. Assuming roughly another 200 from the rest of the

region, that makes a total of about 400 predominantly Spanish-speaking growers. The first Spanish Farm Water Quality short course is being offered in northern Monterey County in February. To meet the needs of Spanish-speaking growers, about 10 additional courses will need to be offered throughout the region. We will make every effort to make available as many Spanish farm courses as possible over the next three years.

5) Discussion of proposed approach to recalcitrant growers

In the months between Board adoption of the conditional waivers and the enrollment deadline, staff effort will focus on two priorities: outreach to growers and development of a comprehensive database to manage information. Outreach will be coordinated with County Agricultural Commissioners, commodity organizations, County Farm Bureaus and other industry groups. Web-base enrollment will complement the more traditional paper enrollment, with growers encouraged to take advantage of the electronic format. Database development will be coordinated with Department of Pesticide Regulation and the counties throughout the Region. Dischargers who are not enrolled by the enrollment deadline will be considered in violation of the Water Code requirement to obtain waste discharge requirements or a waiver for their operations. Staff will prioritize effort and target issuance of Waste Discharge Requirements and enforcement actions based on a number of factors, including size, potential or actual impact to water quality, history of compliance with other federal, state and/or local laws and ordinances if known, and demonstrated efforts toward compliance.

6) Anticipated costs of program to small, medium and large growers

Costs to growers include fees, monitoring costs and costs associated with implementing management practices. Staff has developed projected monitoring costs for individual and cooperative monitoring approaches, and for three different discharge scenarios: tailwater to surface water, tailwater to ponds, and stormwater only. Projected costs are included in **Attachment 5**. Costs of management practices vary from actual cost savings in

some cases to very expensive infrastructure improvements. Operations have great flexibility in developing plans and identifying practices that will be implemented, to allow costs to be spread over time. Growers are encouraged to take advantage of cost-share programs and the availability of settlement funds in some areas.

RESPONSE TO COMMENTS

Public testimony was heard from forty-four individuals and fifty-five comment letters were received. **Attachment 6** contains a table summarizing comments and staff responses.

RECOMMENDATION

The workshop is for information and discussion only; no Board action is proposed.

ATTACHMENTS

1. Draft Resolution and Conditional Waivers
2. Table of Mandatory and Discretionary Requirements for Waivers
3. Tables of Monitoring Parameters and Other Monitoring Efforts
4. Table of Funding Sources for Farm Water Quality Planning short courses
5. Projected Costs to Growers
6. Response to Comments

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